

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 Civil Action No. 04-30172-MAP

4 ROBERT DADE,

5 Plaintiff,

6 vs.

7 BOLAND BUILDERS, INC., THOMAS
8 M. BOLAND, STUART JONES AND
9 MARY ROSE JONES,
10 Defendants.

11 DEPOSITION OF: STEWART JONES, called by
12 counsel for the Plaintiff, taken pursuant to the
13 Federal Rules of Civil Procedure before Leigh B.
14 Gershowitz, Certified Shorthand Reporter, Registered
15 Merit Reporter, Certified Realtime Reporter and
16 Notary Public, at the Offices of O'Connell, Flaherty
17 & Attmore, 1350 Main Street, Springfield,
18 Massachusetts, on Friday, October 21, 2005,
19 commencing at 11:03 a.m.

20 APPEARANCES:

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22 Leigh B. Gershowitz, CSR, RMR, CRR
23 Certified Shorthand Reporter
Registered Merit Reporter
Certified Realtime Reporter

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21 BY: NANCY FRANKEL PELLETIER, ESQUIRE

22 Also in Attendance:

23 Shawn, Liberty Mutual Insurance Company
Mary Rose Jones

1 STIPULATIONS

2
3 It is agreed by and between the parties that
4 all objections, except as to the form of the
5 question, are reserved to be raised at the time of
6 trial for the first time.

7
8 It is further agreed by and between the
9 parties that all motions to strike unresponsive
10 answers are also reserved to be raised at the time of
11 trial for the first time.

12
13 It is also agreed that the deponent will
14 read and sign the deposition.

15
16 It is further agreed by and between the
17 parties that notification to all parties of the
18 receipt of the original deposition transcript is also
19 hereby waived.

1 house. You heard that testimony from her?

2 A. Yes.

3 Q. Were you present when that occurred?

4 A. Yes, I was.

5 Q. Where were you?

6 A. I was actually passing through the kitchen

7 at the time that Tom was giving them the -- the

8 description and tour and showing them the skylights.

9 I was going through at the time he was actually

10 showing them the skylights.

11 Q. And "Tom" being Mr. Boland?

12 A. Yes.

13 Q. Who all was with Tom Boland at that time,

14 as you recall?

15 A. I -- all I recall is Tom and the crew from

16 the roofing company.

17 Q. And the crew consisted of how many men, as

18 you recall?

19 A. It seemed like four, maybe five people.

20 Q. And how long was that before Robert Dade's

21 accident, if you can recall?

22 A. I believe, if I remember correctly, it was

23 the day before.

10

1 Q. And do you recall specifically whether or

2 not Robert Dade was one of the individuals in the

3 group with Mr. Boland?

4 A. I believe that he was. I made a statement
5 much sooner after -- after the accident, I'd have to
6 say whatever was on the statement was, you know, what
7 happened, as far as my view is. I -- right now, I
8 mean, I can't remember faces or things like that.

9 Q. Okay. Let me ask you it in a slightly
10 different way. As we sit here today, can you swear
11 to it that he was there, that Robert Dade was one of
12 the people in the kitchen?

13 A. I know that I believed all of this time
14 that he was one of the people that was there. And if
15 I have a mental picture in my head of it, I couldn't
16 tell you for sure. But I -- it was my understanding
17 that he was there from what I had remembered what I
18 had said before.

19 Q. Okay.

20 A. And I would trust -- so I'm trusting, you
21 know -- I shouldn't drive you through my mental
22 processes, but...

23 Q. Okay. Let me back up and ask you

1 something different. What is your profession or

2 occupation, by the way?

3 A. Right now I'm just caretaking our house
4 and properties. I --

5 Q. What is your most recent profession or
6 occupation?

7 A. Last job I had was with EDS. I just
8 recently got it -- it was in 1998 -- I got a computer
9 science degree, went to work for EDS for a few
10 months, and then decided I needed to be at home.

11 Q. Okay. Now, when was it that you decided
12 to be at home? In '98? Roughly.

13 A. '98 or '99, or probably '99.

14 Q. Okay. Was there any other walk-through
15 that you recall with Dade Roofing?

16 A. Any other walk-through?

17 Q. Right.

18 A. No. They did the walk-through and then
19 they stayed. They were working down on the barn.

20 Q. So the walk-through you recall being the
21 day before the work was done -- the roofing work was
22 done on the barn; is that correct?

23 A. Mm-hmm. Yes.

12

1 Q. Now, was the roofing on the house done the
2 same day as the barn?

3 A. No.

4 Q. Was the barn finished before the roofing
5 on the house started?

6 A. Yes.

7 Q. And how long did that take, if you can
8 recall?

9 A. The barn wasn't very -- I think -- I don't
10 recall. It seemed like it was just a one-day job for
11 the barn.

12 Q. Turning back to the day of the
13 walk-through in the kitchen, were the skylight holes
14 cut in the ceiling?

15 A. Yes.

16 Q. And was there anything covering the
17 skylight holes on the outside?

18 A. On the outside, the tarpaper was on, yes.

19 Q. At any time during the construction
20 process after the skylight holes have been cut, was
21 there anything else covering them, like plywood or
22 roofing sheeting or anything like that?

23 A. I couldn't tell you. It seemed like they